

E-002/GR-89-865 VARYING TIME REQUIREMENTS FOR EXCEPTIONS TO PART II OF
THE ALJ'S REPORT AND ESTABLISHING SCHEDULE FOR ORAL ARGUMENT

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Darrel L. Peterson	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Patrice Vick	Commissioner

In the Matter of the Application of Northern
States Power Company for Authority to
Increase its Rates for Electric Service in the
State of Minnesota

ISSUE DATE: July 19, 1990

DOCKET NO. E-002/GR-89-865

ORDER VARYING TIME
REQUIREMENTS FOR EXCEPTIONS TO
PART II OF THE ALJ'S REPORT AND
ESTABLISHING SCHEDULE FOR ORAL
ARGUMENT

PROCEDURAL HISTORY

On July 19, 1990, Administrative Law Judge (ALJ) Richard Luis filed Part II of his Findings of Fact, Conclusions and Recommended Order (ALJ's Report) in the above-entitled general rate case. Part II of the ALJ's Report addresses rate design issues. Part I of the of the Report was filed on July 13, 1990. On that date the Commission issued its ORDER VARYING TIME REQUIREMENTS FOR EXCEPTIONS TO PART I OF THE ALJ'S REPORT AND ESTABLISHING SCHEDULE FOR ORAL ARGUMENT.

Under Minnesota Rules, part 7830.3900, parties may file exceptions to the ALJ's Report within 20 days of service of the Report.

Under Minnesota Rules, part 7830.4400, the Commission may vary any of its rules where it appears to the satisfaction of the Commission that enforcing the rule would impose an excessive burden upon the applicant or others affected by the rule, granting the variance would not adversely affect the public interest, and granting the variance would not conflict with standards imposed by law.

The Commission finds that enforcing Minnesota Rules, part 7830.3900, would impose an excessive burden on the Commission and not serve the regulatory process. Minnesota Statutes, § 216B.16 (1988) requires the Commission to issue a final Order in this case on or before September 4, 1990. The number and complexity of the issues in this case require careful and thorough Commission analysis of the record. Allowing parties twenty days to file exceptions to Part II of the ALJ's Report

would allow inadequate time to conduct that analysis and meet the September 4 statutory deadline.

The Commission finds that varying Minnesota Rules, part 7830.3900, to require exceptions to Part II of the ALJ's Report to be filed on a shorter deadline will not adversely affect the public interest, but will serve the public interest by giving the Commission time for careful and thorough deliberation.

Finally, the Commission finds that varying Minnesota Rules, part 7830.3900, will not conflict with standards imposed by law. Minnesota Statutes, § 14.61 (1986) requires that the ALJ's Report be made available to parties for at least ten days before the Commission makes its final decision in a proceeding. That statute also provides parties with an opportunity to file exceptions to the Report and to present oral argument. The purpose of Minnesota Statutes § 14.61 (1988) is served as long as the ALJ's Report is available for at least ten days and an opportunity to file exceptions and present oral argument is made available to all parties.

The Commission concludes that the requirements of Minnesota Rules, part 7830.4400, have been met and will order Minnesota Rules, part 7830.3900, varied. The Commission finds that shortening the time for the filing of exceptions to Part II of the ALJ's Report to July 30, 1990 will enable the Commission to resolve the issues presented in this matter within the statutory time frame. The Commission will require that exceptions to Part II of the ALJ's Report be filed on or before that date. Written replies to exceptions will not be accepted.

Finally, the Commission encourages parties to serve their exceptions to Part II of the ALJ's Report on each other by an express mail type of delivery, to facilitate adequate examination of all issues by all parties.

ORDER

1. Minnesota Rules, part 7830.3900, is hereby varied as follows: Exceptions to Part II of the ALJ's Report must be delivered to the Commission and served on all parties no later than July 30, 1990.

2. Oral Argument on rate design issues will be held at 9:00 a.m. on Tuesday, July 31, 1990 in the Commission's Large Hearing Room, 715 American Center Building, 150 East Kellogg Boulevard, St. Paul, MN 55101. The parties will be allowed time for Oral Argument, including rebuttal as follows:

Northern States Power Company	20 Minutes
Department of Public Service	15 Minutes
Residential Utilities Division of the Office of the Attorney General	10 Minutes
North Star Steel Company	10 Minutes
St. Paul Area Chamber of Commerce	10 Minutes
Minnesota Energy Consumers	10 Minutes
Champion International Corporation	10 Minutes
Metalcasters of Minnesota	10 Minutes
Minnesota Retailer Association	10 Minutes
Municipal Pumpers Association/ City of St. Paul	10 Minutes
Minnesota Senior Federation	10 Minutes
Union Carbide Corporation	5 Minutes

3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)